

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

**286 RIDER AVE ACQUISITION LLC,**

Case No: 21-11298-lgb

Debtor.

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**ORDER DENYING MOTION TO DISMISS**

UPON the Motion of 286 Rider Ave Development LLC (“Development”) to (I) Dismiss Bankruptcy Case Pursuant to 11 U.S.C. §§ 105, 305 and 1112 and (II) for turnover of Certain Membership interests Under 11 U.S.C. § 543 (“Motion to Dismiss”) and (ECF Doc. No. 17) and the Declaration of Yechial Michael Lichtenstein in Support of Motion to Dismiss (ECF Doc. No. 17-1); and 286 Rider Ave Acquisition LLC (“Debtor”) having filed its Response to the Motion to Dismiss (ECF Doc. No. 26) (“Debtor Response”) and the Declaration of Lee. E. Buchwald in Support of the Debtor Response (ECF Doc. No. 27); and Be-Aviv 286 Rider LLC (“Be-Aviv”) having filed its Response to the Motion to Dismiss (ECF Doc. No. 23) (“Be-Aviv Response”) and Declarations of Ben Harlev and Latisha V. Thompson in support of the Be-Aviv Response (ECF Doc. Nos. 24 and 25 respectively); and Development having filed its Omnibus Reply to the Debtor Response and Be-Aviv Response (ECF Doc. No. 36) (“Reply”) and Declaration of Michael Lichtenstein in support of the Reply (ECF doc. No. 36-1); and Development having appeared in support of the Motion to Dismiss and Reply by its counsel Akerman LLP; and the Debtor having appeared in opposition to the Motion to Dismiss by its counsel

Robinson Brog Leinwand Greene Genovese & Gluck P.C.; and Be-Aviv having appeared in opposition to the Motion to Dismiss by its counsel Morrison Cohen LLP; and a hearing having been held on August 30, 2021; and sufficient cause appearing therefor, it is hereby

**ORDERED**, that the Motion to Dismiss is denied for the reasons set forth on the record at the hearing.

**DATED:** New York, New York  
**August 30, 2021**

**/s/ Lisa G. Beckerman**  
**HONORABLE LISA G. BECKERMAN**  
**UNITED STATES BANKRUPTCY JUDGE**